IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

CRP.No. 848 of 2007()

AGAINST THE ORDER DATED 23/08/2007 IN EP.NO.66/2004 IN OS.10/2001 of SUB COURT, THIRUVALLA

.....

REVN. PETITIONER: 1ST JUDGMENT DEBTOR/1ST DEFENDANT

RAMAKRISHNA PILLAI MURALEEDHARAN PILLAI,
SREEKOVIL VEEDU, PERINGARA MURI,
PERINGARA VILLAGE.

BY ADV. SRI.B.S.SWATHY KUMAR
SRI.K.HARILAL
SRI.BINDU SREEKUMAR

RESPONDENTS: DECREE HOLDERS/PLAINTIFFS
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1. **ANANDAVALLY AMMA @ ANANDAM,**
   W/O. DAMODHARAN PILLAI, ANANDA BHAVANAM,
   PERINGARA MURI, PERINGARA VILLAGE.

2. **SURESH, S/O. DAMODHARAN PILLAI OF**
   -DO- -DO-, REPRESENTED BY MUKTHIYAR HOLDER
   DAMODHARAN PILLAI OF -DO- -DO-

BY

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 25/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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CRP.NO.848/2007

ORDER ON I.A. NO.2342/2007 IN CRP.No 848/2007

DISMISSED

25.09.2007 **SD/- M.N.KRISHNAN, JUDGE**

/TRUE COPY/

P.A. TO JUDGE

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M.N. KRISHNAN, J.

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C.R.P. NO. 848 OF 2007

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Dated this the 25th day of September, 2007.

O R D E R

This revision petition is preferred against the order of the Subordinate Judge, Thiruvalla whereby an order of arrest has been issued against the first respondent in E.P.66/04. The decree is one for realisation of the amount. Notices were issued. The judgment debtors entered appearance and pleaded no means. The Court found that there is means and ordered arrest of the first judgment debtor.

2. A perusal of the order would reveal that both the judgment debtors retired as District Registrars and they are having a pension of about Rs.13,500/- per month each. It is also stated that the first judgment debtor is the Treasurer of their 'Kudumbayogam'. The unfortunate man started a chitty after the retirement which according to the revision petitioner resulted in total wreckage of the financial position. It is also contended by him that both the husband and wife are ailing and they require a substantial amount for medical expenses. Whatever it may be, both these revision petitioners held a

very covet post in Government Service and are deriving a handsome pension and therefore one cannot hold that they have no means at all to pay the amount. But, it may be difficult to raise the entire amount at one stroke and discharge the debt. Therefore, I feel that some indulgence can be shown in the matter and the Civil Revision Petition is disposed of as follows.

(1) The Revision Petitioner is directed to pay the decree amount in six monthly equal instalments commencing from 1.11.07.

(2) If he commit default of two consecutive instalments, the benefit granted to him will be withdrawn and the decree holder can pray for arrest and detention of him in the civil prison.

(3) In order to enable him to make the payment, the order of arrest now ordered shall be kept in abeyance for the above said period.

M.N. KRISHNAN, JUDGE.

ul/-